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DEC 18 2006

Department of Real Estate
320 W. 4th Street, Suite 350
Los Angeles, CA 90013-1105

Telephone: (213) 576-6982

DEPARTMENT OF REAL ESTATE
BY: Laura B. Dim

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of

GERARDO CRUZ

Respondent

) No. H- 33157 LA
) L-2006090704
)
) **STIPULATION AND**
) **WAIVER**
)
)

I, GERARDO CRUZ, respondent herein, do hereby affirm that I have applied to the Department of Real Estate for a real estate salesperson license and that to the best of my knowledge I have satisfied all of the statutory requirements for the issuance of the license, including the payment of the fee therefor.

I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate on August 22, 2006, in connection with my application for a real estate salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license. I further understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate

1 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the
2 issuance to me of an unrestricted real estate salesperson license.

3 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and
4 request that the Real Estate Commissioner in his discretion issue a restricted real estate salesperson license
5 to me under the authority of Section 10156.5 of the Business and Professions Code.

6 I am aware that by signing this Stipulation and Waiver, I am waiving my right to a hearing and the
7 opportunity to present evidence at the hearing to establish my rehabilitation in order to obtain an
8 unrestricted real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate
9 Commissioner. However, I am not waiving my right to a hearing and to further proceedings to obtain a
10 restricted or unrestricted license if this Stipulation and Waiver is not accepted by the Commissioner.

11 I further understand that the following conditions, limitations, and restrictions will attach to a
12 restricted license issued by the Department of Real Estate pursuant hereto:

- 13 1. The license shall not confer any property right in the privileges to be exercised including the
14 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right
15 to exercise any privileges granted under this restricted license in the event of:
 - 16 a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a
17 substantial relationship to respondent's fitness or capacity as a real estate licensee; or
 - 18 b. The receipt of evidence that respondent has violated provisions of the California Real
19 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or
20 conditions attaching to this restricted license.
- 21 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor the
22 removal of any of the conditions, limitations, or restrictions attaching to the restricted license
23 until two years have elapsed from the date of issuance of the restricted license to respondent.
- 24 3. With the application for license, or with the application for transfer to a new employing broker, I
25 shall submit a statement signed by the prospective employing broker on a form approved by the
26 Department of Real Estate wherein the employing broker shall certify as follows:
27

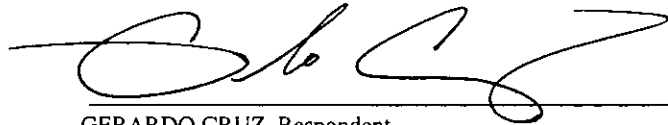
- 1 a. That broker has read the Statement of Issues which is the basis for the issuance of the
2 restricted license; and
- 3 b. That broker will carefully review all transaction documents prepared by the restricted
4 licensee and otherwise exercise close supervision over the licensee's performance of acts
5 for which a license is required.

6 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and
7 Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at fax
8 number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending
9 to the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt
10 of the faxed copy by the Department shall be as binding on Respondent as if the Department had received
11 the original signed Stipulation and Waiver.

12
13 11-7-2006

14 Dated

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GERARDO CRUZ, Respondent

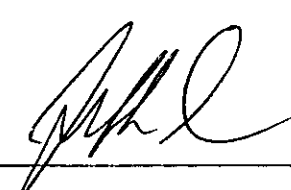
I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of respondent need not be called and that it will not be inimical to the public interest to issue a restricted real estate salesperson license to respondent.

Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to respondent GERARDO CRUZ if respondent has otherwise fulfilled all of the statutory requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and Waiver.

This Order is effective immediately.

IT IS SO ORDERED

11-12-06



Jeff Davi
Real Estate Commissioner

1 KELVIN K. LEE, Counsel (SBN 152867)
2 Department of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6982
6 (Direct) (213) 576-6905

FILED

AUG 22 2006

DEPARTMENT OF REAL ESTATE
BY: Laura B. Olone

7 BEFORE THE DEPARTMENT OF REAL ESTATE

8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Application of) No. H-33157 LA
11)
12 GERARDO CRUZ,) STATEMENT OF ISSUES
13)
14 Respondent.)

15 The Complainant, Maria Suarez, a Deputy Real Estate
16 Commissioner of the State of California, for cause of Statement
17 of Issues against GERARDO CRUZ, ("Respondent"), is informed and
18 alleges as follows:

19 1.

20 The Complainant, Maria Suarez, a Deputy Real Estate
21 Commissioner of the State of California, makes this Statement of
22 Issues against Respondent in her official capacity.

23 2.

24 Respondent made application to the Department of Real
25 Estate of the State of California for a real estate salesperson
26 license on or about January 13, 2005.
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for Fashion Garage Inc. in a timely manner, pursuant to Section 1502 of the California Corporations Code.

6.

The suspension of the corporate business license of Fashion Garage Inc., for which the Respondent served as President and Agent for Service of Process, constitutes cause under Section 10177(f) of the Code for the denial of all license and license rights of Respondent under the real estate law.

THIRD CAUSE OF ACTION

FAILURE TO REVEAL PRIOR LICENSE DISCIPLINE

7.

In response to Question 24A of his license application, to wit: "HAVE YOU EVER HAD A DENIED, SUSPENDED, RESTRICTED OR REVOKED BUSINESS OR PROFESSIONAL LICENSE (INCLUDING REAL ESTATE) IN CALIFORNIA OR ANY OTHER STATE?, the Respondent answered "No" to this question, and failed to reveal the prior suspension of his corporate business license in Paragraph 5. This omission constitutes the attempt to procure a real estate license by fraud, misrepresentation, or deceit, or by making a material misstatement of fact, or knowingly making a false statement of material fact required to be revealed in said application, which is grounds for denial of the issuance of a license under Business and Professions Code Sections 475(a)(1), 480(c), and/or 10177(a).

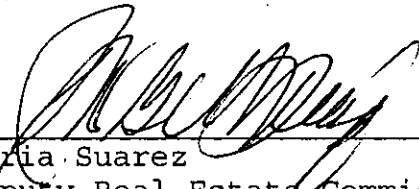
The Statement of Issues is brought under the provisions of Section 10100, Division 4 of the Business and

1 Profession Code of the State of California and Sections 11500
2 through 11528 of the Government Code.

3 WHEREFORE, Complainant prays that the above entitled
4 matter be set for hearing and, upon proof of the charges
5 contained herein, that the Commissioner refuse to authorize the
6 issuance of, and deny the issuance of, a real estate salesperson
7 license to Respondent, GERARDO CRUZ, and for such other and
8 further relief as may be proper under other provisions of law.

9 Dated at Los Angeles, California

10 this 18th day of August, 2006.

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13 
14 Maria Suarez
15 Deputy Real Estate Commissioner
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17 cc: GERARDO CRUZ
18 Tarzana Capital Financial/Mehrnaz Sepehirpour
19 Maria Suarez
20 Sacto.
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